

In re) Fair Hearing No. 10,284
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Appeal of)

The petitioner appeals the decision by the Department of Social Welfare closing her food stamp and Medicaid benefits. The issue is whether the petitioner's household income exceeds the maximum for those programs.

The facts are not in dispute. Prior to mid-January, 1991, the petitioner's household income consisted solely of the petitioner's wages from employment (\$896.00 a month, gross). With applicable deductions, the petitioner's household met the income guidelines for food stamps, which it received in the amount of \$227.00 a month. The family was also eligible for Medicaid with a spend-down.¹

The petitioner does not dispute the Department's calculations. She feels, however, that the regulations do not take into sufficient account the needs of working people. She also was under the mistaken impression that her husband's unemployment benefits were being taken into

account before her grant was reduced.

ORDER

The Department's decision is affirmed.

REASONS

The Department's calculations are in accord with the regulations. Food Stamp Manual § 273.9(a) and Medicaid manual § M 400. Therefore, the board is bound by law to affirm the Department's decision.² 3 V.S.A. § 3091(d), Fair Hearing Rule No. 19, and Food Stamp Fair Hearing Rule No. 17.

FOOTNOTES

¹One of the petitioner's daughter's receives Medicaid separately under a separate program because she is pregnant. The remaining household members, however, are subject to a spend-down.

²It was explained to the petitioner that should her income be reduced, she should promptly reapply for food stamps.

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